

ATTACHMENT B

Fernald RBES Press Articles, Stakeholder Comments and Meeting Handout

Fernald clean-up change proposed

Citizens leader
promises fight

By Dan Klepal
The Cincinnati Enquirer

CROSBY TWP. — U.S. Department of Energy officials are considering a plan that would allow them to stop treating groundwater contaminated with uranium underneath the former Fernald uranium enrichment plant and, instead, dump it directly into the Great Miami River for more than 19 years, beginning in 2005.

The plan, which would save the federal government about \$80 million, would also eliminate the rule that limits to 600 pounds per year the allowable amount of uranium discharged into the river from the site.

Currently, there is a water treatment plant on the Fernald property that treats the tainted groundwater. After being cleaned to drinking water standards, that water is then re-injected into the aquifer so that contaminated groundwater is pushed more quickly toward extraction wells.

But that process is expensive — estimated to cost \$168 million before it is finished — and DOE officials recently estimated that the aquifer clean-up will take twice as long as originally thought, possibly lasting until 2021. That led to

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"Fernald clean-up change proposed"

Fernald: Department of Energy wants to dump tainted water

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the new study, which outlines six cheaper alternatives.

Of those alternatives, the DOE's "preferred option" is to tear down the water treatment facility and stop treating the tainted groundwater altogether, according to documents obtained by the *Enquirer*.

"We realize that some of the alternatives ... are different than what we agreed upon in the past," said Glenn Griffiths, the DOE's acting director at Fernald. "Some of the (discharge) levels in the past were set because we could do it. We have a world-class treatment facility on site. (Those levels) are more conservative than what we now feel we need to consider. The question is: Can we get to the same destination on a different road?"

The DOE's "preferred" road would increase the allowable uranium content in discharges into the river by 1,600 percent per discharge.

But before the new plan could take effect, the DOE would have to seek a change in the legally binding agreement it signed a decade ago that requires the aquifer water to be treated to drinking water standards. That won't be easy, because it appears such an effort would be fought - both by the 14,000 residents who live near the plant and are represented by the Fernald Citizen's Advisory Board, and by the Ohio Environmental Protection Agency.

"Hell no," Lisa Crawford, leader of the Fernald citizen's board, said when asked for her reaction to the proposal. "We're not gonna go there. And if they try to take us there, this community will raise 500

barrels of hell, and then we will sue."

Graham Mitchell, chief of OEPA's Office of Federal Facilities Oversight, said the state's top environmental agency also is against the proposal as it stands. Mitchell pointed out that there is major risk involved with the plan: Namely, there could be additional contamination discovered after the treatment plant is torn down in 2005, thus leaving the DOE incapable of dealing with it.

"It's just not consistent with the overall clean-up strategy developed at Fernald over the past 10 years," Mitchell said. "When we get to the end - and we're nowhere near that - there are a whole bunch of steps that need to occur, and they probably need to occur with a treatment system in place."

"Throwing these major changes in, at this point, does not seem productive."

The DOE's handling of this proposal has upset some. The report outlining the alternatives was produced June 30, but it still has not been shared with the public. A presentation for citizens and regulators is scheduled for Oct. 24.

"Any other time, we would have been handed a draft of the document and been asked our opinion," Crawford said. "They've been sitting on this since June."

Tom Schneider, a Fernald supervisor for the OEPA, agreed.

"The handling of this is completely inconsistent with the successes we've had at Fernald," Schneider said. "Those (successes) have been open processes. In this case, it's something DOE has done behind closed doors. We're getting it at the same time they're

going public with it, and they're asking us to buy into it. It's sort of baffling.

"And the issue falls apart before any significant technical discussion even takes place. If you have a treatment technique that's demonstrated to work, you don't just shut that off and decide one day that you don't need to do treatment anymore and start dumping in the river."

Griffiths said the process in deciding how best to treat the aquifer will be a public one. He said the process is just beginning.

"All we're saying is let's talk about it," Griffiths said. "And if those conversations lead us to a point where it doesn't make sense, we won't do it. It's a matter of perspective. We've concluded there could be significant cost savings, and we can still be protective to the environment, so we need to investigate the options."

"We're going to lay (the alternatives) out and say here are, from our perspective, the pros and cons of each and the public debate will take place at that point."

The aquifer cleanup is just one of six major projects on the \$4.4 billion, taxpayer-funded Fernald cleanup.

Others include tearing down buildings that were used in extraction of uranium from metal; removing the soil underneath; cleaning waste pits that were used to store radioactive waste; emptying three 50-year-old concrete silos that are housing radioactive waste from the first nuclear experiments; and building a disposal facility that will house low-level waste in perpetuity.

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Fernald | Groundwater Don't compromise cleanup

The idea that the U.S. Department of Energy would even consider unrestricted dumping of uranium-contaminated water from Fernald directly into the Great Miami River is outrageous, even if the cost of cleanup has risen far beyond the original estimates.

Now that it believes cleansing the groundwater at the former uranium enrichment plant could take twice as long as expected — until 2021 or later — DOE is going public with 12 possible alternatives. But the "preferred" option calls for treatment of contaminated groundwater to stop by 2005, then pumped-out water would be dumped directly into the Great Miami River for 19 years. That dubious departure from binding legal agreements signed 10 years ago would free DOE and contractor Fluor Fernald from limits now set at 600 pounds of uranium discharged into the river per year. The plan also calls for dismantling Fernald's advanced water treatment plant.

The new plan shifts the contamination problem from the Fernald site to the river. It cuts cost by substituting river dilution for water treatment.

Ohio EPA and Fernald's 14,000 neighbors are rightly incensed at this proposed change in long-standing cleanup strategy. If DOE tries to dump the agreement and dump much more tainted water into the Great Miami, Lisa Crawford, head of Fernald's Citizen's Advisory Board, warns, "this community will raise 500 barrels of hell, and then we will sue."

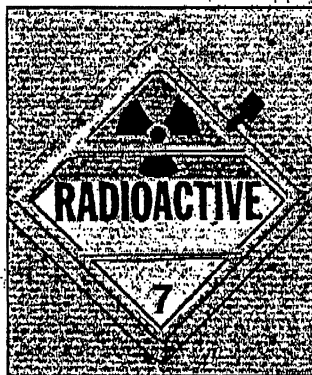
U.S. EPA should exercise rigorous oversight to make sure the existing agreements are not sacrificed to cost concerns or political timetables and

that no switch to alternatives is made until the effects on the river, fish and public health are fully studied. Dismantling Fernald's water treatment plant before groundwater cleanup is anywhere near done seems such a patently bad idea it must be suspected of being used as a bargaining chip that DOE could give up in any compromise deal.

It's been estimated Fernald groundwater remediation will cost at least \$168 million, and that is just one of six major projects in the \$4.4 billion cleanup. Congress faces many other sites with similar, costly cleanups. DOE estimates the alternative aquifer cleanup plan for Fernald could save as much as \$80 million. The current method of pumping out tainted ground-

water, treating it to remove uranium, then reinjecting it back into the aquifer is slow, expensive work. But nobody ever promised weapons plant cleanups would be quick or cheap. Congress should stay the course.

The history of cleaning up the former weapons plant northeast of Cincinnati has been riddled with unexpected setbacks. Even if all the necessary sign-offs could be obtained to change the agreements, critics warn that an alternative plan could hit unexpected complications during cleanup or even afterward. Cleanup of waste pits and silos can never be perfect. The aquifer could be recontaminated. That's one reason the cleanup contractor is obligated to follow up years after cleanup ends to see if the parts per billion uranium count in Fernald groundwater has rebounded. If so, the water treatment plant could still be needed. Proposed alternatives require a full public vetting.



A warning sign on a truck at the Fernald cleanup site.

"Ohioans in D.C. blast plan for Fernald water"

Ohioans in D.C. blast plan for Fernald water

By Dan Klepal
The Cincinnati Enquirer

Ohio congressmen sent a letter to the Department of Energy's top official involved in the Fernald nuclear cleanup, criticizing the agency for a plan that would allow it to stop treating contaminated groundwater next year. Instead, it would be dumped directly into the Great Miami River.

Reps. Steve Chabot of Cincinnati and Rob Portman of Terrace Park, along with Sens. Pat DeWine and George Voinovich, all Republicans, say in the letter they were unaware of the proposed change

until reading of it in the *Enquirer* Oct. 4.

The letter is also critical of the DOE for keeping the idea secret for more than three months. The DOE's project manager, Fluor Fernald, completed the proposal June 30. A public hearing is scheduled Oct. 21.

"We strongly believe that in a project as costly, environmentally sensitive, and expansive as the Fernald clean-up—that affects the safety of workers, the health of surrounding communities and the stewardship of taxpayer dollars—public participation is essential in determining the most prudent ap-

proach to closure," the letter says.

"We would like to clearly state that we have serious concerns regarding any attempt to alter this agreement," the letter says.

DOE Ohio Field Manager Bob Warther, to whom the letter was addressed, was not in the office Thursday and had not seen the letter, according to spokesman Gary Stegner.

"Until we review the letter, we can't say anything," Stegner said.

The Great Miami Aquifer was contaminated by decades of radioactive waste being dumped in open fields at Fernald. Rainwashed that waste into Paddy's Run creek, which drains into the aquifer and directly into the underground lake.

Fluor Fernald, the company handling the \$4.4 billion, taxpayer funded clean-up, prepared a report that outlines six alternatives to cleaning the groundwater in the treatment plant. Of the six alternatives, the DOE's preferred option is to tear down the treatment plant next year and stop treating the tainted groundwater altogether.

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October 22, 2003
The Cincinnati Enquirer
"No plan 'preferred,' officials say"

No plan 'preferred,' officials say

Proposal to stop treating Fernald water protested

CROSBY TOWNSHIP - Officials with the Department of Energy Tuesday backed off a plan that would allow them to stop treating contaminated groundwater underneath the Fernald nuclear cleanup site, instead dumping it directly into the Great Miami River.

In a public meeting Tuesday to explain seven options for treating the groundwater, residents were angry and peppered officials with questions.

In June, energy officials commissioned a report for treating the groundwater.

A "talking points" document relating to the report said the government's "preferred alternative" is to tear down the treatment facility in 2005, begin dumping the tainted groundwater directly into the river, and remove all limits for the amount of uranium it is allowed to pump into the river from the site.

Currently the site can discharge a maximum of 600 pounds of uranium into the river annually.

Dumping the tainted groundwater would have saved about \$85 million, but dumped approximately 8,000 pounds of uranium into the Great Miami.

Glenn Griffiths, the energy department's acting director at Fernald, said the government doesn't really have a preference on how to treat the groundwater.

"That was a poor choice of words," Griffiths said of the term "preferred alternative."

"It implies the decision is already made and that efforts have been made to support it," he said. "All the alternatives are exactly equal at this point."

The seven options range from continuing the current treatment method to replacing the treatment plant with a less expensive mobile system or demolishing the on-site plant in 2011 so less uranium would be dumped into the river.

Griffiths said a lengthy public process will precede any decision made on the issue.

That was good news to the approximately 50 residents who came to Tuesday's meeting.

Lisa Crawford, a resident who lives near the plant and is head of the Fernald Residents for Environmental Safety and Health (FRESH), said her organization would sue if the government tries to change the deal now.

"We agreed to what we agreed to," Crawford said. "You can't stop in the middle of the road and just say 'We're not going to do this anymore.'"

A 179-acre plume of cancer-causing uranium sits in the groundwater underneath Fernald.

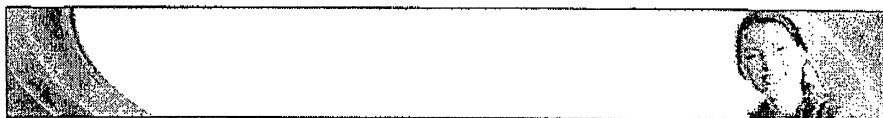
The energy department is required to clean that contamination so that it meets drinking water standards.

Currently, a world-class treatment facility treats that water before it is re-injected into the ground or pumped out to the river.


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Thursday, December 4, 2003

Easier radiation cleanup fought

By Dan Klepal
The Cincinnati Enquirer

CROSBY TOWNSHIP - The Department of Energy, which oversees the \$4.4 billion, cleanup at the former Fernald nuclear facility, wants to relax several standards it agreed to more than a decade ago so the job can be finished quicker and cheaper.

Department of Energy officials claim public health and the environment will still be protected.

But the proposed changes, made public two weeks ago, outraged nearby residents who say cleanup managers are now trying to wiggle out of important details agreed to in the early 1990s after months and, in some cases, years of hard-fought negotiations.

Last week, the federal Environmental Protection Agency joined the chorus in opposition to the DOE's proposed rule changes.

Gary Schafer, chief of EPA's Federal Facilities Section, said in a letter that the nation's top environmental watchdog doesn't support any of the proposed changes for Fernald. Schafer also criticized how the ideas were created, saying they were hatched in closed-door meetings with no public input.

That process, the letter says, is "inconsistent with how such issues were handled over the last 10 years."

Among the changes the Department of Energy is proposing:

- Determining if soil is sufficiently cleaned by taking an average of the uranium content over entire areas, rather than the current rule prohibiting high levels in any part of the area.
- Cleaning the Great Miami Aquifer, also contaminated by uranium, to drinking water standards only in areas outside the site's boundaries. The current rule requires the entire aquifer - both under the site and outside it - be cleaned to

Updated E

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- Reducing the level of cleanup necessary for soil deeper than 3 feet.

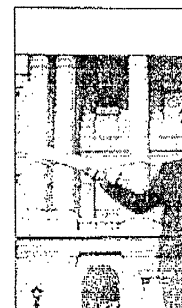
None of those ideas sits well with Lisa Crawford, who heads up the Fernald Residents for Environmental Safety and Health, which successfully sued the government over environmental contamination at the site more than 20 years ago.

Crawford said the residents around Fernald have worked too hard securing stringent cleanup rules to let them go now.

"We are not willing to let DOE gut what we did 10 years ago, that's just not going to happen," Crawford said. "And it seems like the EPA is right in line with us. We're all pretty upset about this."

DOE officials defend the ideas and the process. They say the ideas were born in "brainstorming" sessions, and that none will be approved without full consent of the EPA and the public.

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AT FERNALD RISK-BASED END STATE VISION CRITICIZED

The Dept. of Energy's draft "risk-based end state vision" for Fernald has Ohio regulators and the Environmental Protection Agency up in arms over proposed changes to the site's closure plan. All DOE cleanup sites have been working on completing "risk-based end-state visions" that Assistant Secretary Jessie Roberson and other top Environmental Management officials hope to use to define when cleanup will end at each site. While DOE Ohio officials say the document is simply a tool that evaluates cleanup remedies according to actual risk to the public and is not a "decision document," both the Ohio EPA and U.S. EPA are calling on the Department to abandon the risk-based end state planning process and follow the cleanup agreements already in place. In a letter to DOE Ohio Field Office Manager Robert Warther Dec. 1, Ohio EPA Southwest District Office Chief Thomas A. Winston asserted that "in comparison to the evaluation and discussion that resulted in current cleanup requirements, this evaluation is anemic in terms of its rigor and devoid of the meaningful regulator and public discussion that produces implementable decisions. The result is a list of potential changes that are all problematic in that they ignore the rich history of decisions at Fernald." In a similar letter sent to DOE Nov. 26, EPA Region 5 Federal Facilities Chief Gary Schafer declared that EPA "does not support any of

the activities" recommended in the risk-based end state document. Chief among the regulators' concerns are DOE proposals to:

- Change the waste acceptance criteria at the On-Site Disposal Facility to allow for blending of waste to meet the acceptance standards, which DOE asserts was the "original intention and technical basis" for the facility;
- Use the sediment final remediation level of 210 parts per million for streams and ponds rather than the more stringent soil final remediation level of 82 parts per million that is required by current agreements;
- Relax the uranium discharge requirements for the Great Miami River from the current 30 parts per billion to 530 parts per billion in order to meet groundwater cleanup milestones by 2017;
- Stop current "pump-and-treat" operations for ground and surface water; and
- Leave outfall lines and other structures in place along the Great Miami River instead of removing all structures as required by current agreements.

DOE Fernald spokesman Gary Stegner said the Department "recognizes" the concerns of the regulators, empha-

sizing that the end state vision is "not a decision document; it's just an exercise we're going through." Stegner said "it's very clear that the climate here in Fernald is not good for pursuing any changes to previous Records of Decision" and there are currently "no plans to do so." If regulatory changes are pursued, "that decision will come from headquarters," Stegner said.

Both the state and federal regulators criticized DOE for a lack of public involvement in preparing the end state document. "It is our understanding that no change to the document occurred following the public meeting, where adamant opposition was expressed, prior to submittal to DOE HQ," Winston wrote. "This leaves one to question what the point of the public meeting was other than to say

a meeting occurred." Ohio officials said they viewed the risk-based end state planning process as merely an internal DOE exercise with little or no regulatory significance. "I would suggest DOE not proceed to propose any changes based on this exercise," Winston wrote. "To the extent that you have satisfied an internal DOE screening process, you can report that you have completed that task. But, clearly, additional effort put into [risk-based end state vision] would not be prudent." Winston added that "further work on the [risk-based end state vision] will only further distract vital resources and staff from focusing on achieving DOE's 2006 cleanup goal. The process has already cost substantial dollars in personnel time and contractor effort as well as caused damage to the work relationships at the site."

Dirtier Site?'

Ohio, EPA Officials Rip DOE Proposals On Fernald Cleanup

BY GEORGE LOBSENZ (Energy Daily)

Federal and state regulators have fired off scathing attacks on Energy Department proposals for "risk-based" changes to cleanup of the Fernald facility in Ohio, saying the plan had "seriously damaged" DOE's relationships with regulators and the community and raised concerns that DOE was willing to leave a "dirtier site" in order to complete remediation efforts by 2006.

In unusually hostile terms, officials with the U.S. Environmental Protection Agency and the Ohio Environmental Protection Agency over the last week emphatically rejected all of DOE's proposals to relax certain groundwater, soil and other cleanup standards for the former uranium processing plant near Cincinnati.

The regulators said the proposed changes would violate past agreements with the local community on the amount of residual contamination that could remain at the site after cleanup work was done. And they said that in stark contrast to past productive collaboration with regulators and the community on Fernald cleanup strategy, DOE had developed its plan in near-total secrecy.

The secrecy was so notable, Ohio regulators said, that they only were able to obtain a full copy of DOE's plan at a November 18 public hearing on the department's proposed cleanup changes. Following the public hearing, the state officials said DOE apparently made no revisions to the plan-known as the draft Risk-Based End States (RBES) Vision document-despite an outpouring of public criticism at the meeting.

Further, the Ohio officials said the proposed cleanup changes were especially damaging to DOE's credibility because they followed another department proposal in October to greatly curtail groundwater cleanup operations at Fernald, resulting in sharply increased uranium discharges to a nearby river-at concentrations much higher than federal safe drinking water limits. That plan also was developed by DOE on its own and met with overwhelming public and regulator criticism.

"The lack of public and regulatory involvement in this document and its predecessor, the Comprehensive Groundwater Strategy Report, have seriously damaged the productive working relationships between DOE and the regulatory agencies and the public," said Thomas Winston, head of the Ohio EPA's southwest district office, in a December 1 letter to Thomas Warther, manager of DOE's Ohio Field Office.

"The past two months have seen numerous negative press articles and a growing distrust of DOE in the community. This, after the DOE Fernald site has been seen as a national leader over the past decade in successful stakeholder involvement and productive working relationships between DOE, regulators and the community."

Winston said DOE's proposals were "unacceptable" and all the more objectionable in that the department appeared to be brushing aside cleanup agreements reached after long negotiations with the public on what were appropriate levels of residual contamination to leave at the site. While DOE suggested its proposals were based on risk analyses showing that loosened cleanup standards would not endanger human health or the environment, Winston said Fernald stakeholders already had made such judgments in the existing cleanup agreements for the site.

"At the Fernald site, DOE, regulators and stakeholders employed a process to evaluate cleanup options based upon risk and community values long before the development of this plan," Winston said. "To expect the public or regulators to

consider changing these agreements based upon a few weeks of internal DOE document development and very limited public involvement is naïve, and seemingly ignores all the effort put in by the community; site personnel and regulators over the past 10 years."

Winston noted that the department's plan was put forward in response to a directive from DOE headquarters designed to advance the Bush administration's "accelerated cleanup" initiative for federal nuclear weapons sites. The administration has portrayed the program as a sensible effort to speed cleanup by better assessing residual contamination risks and making appropriate changes to cleanup strategies; environmentalists and some state officials see it as a naked attempt to cut cleanup costs by relaxing remediation standards. Fernald is a showcase site for the accelerated cleanup effort as one of the first DOE sites scheduled for completion, with the deadline being 2006. However, the directive from DOE headquarters to propose changes to the Fernald cleanup plan suggests the department and its contractor, Fluor Fernald, are facing difficulties in meeting that date.

Winston suggested DOE Fernald officials tell headquarters officials that they had "satisfied" the directive on possible changes to Fernald's cleanup plan-and then promptly drop the matter.

Questioning DOE's commitment in that respect, Winston warned Warther: "Some of your strongest supporters have already begun to question DOE's commitment to truly remediate the site. We have heard a growing perception that DOE is willing to change remedies, leave behind a dirtier site and place additional burdens on the community in order to complete work in 2006. We hope and expect this is not the case."

An EPA official made many of the same points in a November 26 letter to Warther, in somewhat more subdued language. "U.S. EPA does not support any of [DOE's proposed changes]...and would not support a reduced list including any of the alternatives," said Gary Schafer, chief of the federal facilities section at EPA Region 5 headquarters in Chicago. "All of the alternatives presented in the RBES are inconsistent with earlier records of decisions for the site and agreements made with the stakeholders."

Schafer also said the public participation process for the RBES document had been "minimal" and that state regulators and the community already had shown great willingness to compromise on waste removal at the site where risk analysis showed it was appropriate. "As opposed to shipping all contaminated materials off-site and cleaning up to background levels, the stakeholders agreed to the construction of an on-site disposal cell over a sole-source aquifer, and limiting land use to an undeveloped park," he noted. "U.S. DOE agreed to ship the lower-volume, yet highest contaminated materials off-site. "This early vision developed by all the involved stakeholders allowed the cleanup to progress quickly and saved U.S. DOE billions in cleanup costs.... U.S. EPA recommends no further pursuit of the actions proposed in the RBES document."

Gary Stegner, a spokesman for DOE's Ohio Field Office, said the regulators' criticism was not surprising given the strong public opposition to DOE's proposed changes. "It was clear from comments we received from our stakeholders that they think cleanup is going very, very well.... They don't want to change anything; they seem to be in no mood to entertain any changes." Stegner said it was up to DOE headquarters to determine if the department would pursue the proposed changes any further.

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March 1, 2004
The Cincinnati Enquirer
"Fernald cleanup changes sought"

Fernald cleanup changes sought

Rules may be
relaxed to get
job done faster

By Dan Klepal
The Cincinnati Enquirer

CROSBY TWP - Fernald officials are expected today to meet with Hamilton County commissioners to discuss relaxing nuclear cleanup standards at the former uranium processing plant.

Nationwide, the U.S. Department of Energy has been re-evaluating standards at nuclear cleanup facilities in an effort to get the projects done more quickly and cheaply.

Fernald was a Cold War-era plant that produced uranium for enrichment and use in nuclear weapons. A \$4.4 billion cleanup of the site is scheduled to be complete in 2006.

The Energy Department re-evaluation would base cleanup standards on minimum requirements to protect public health. That approach would clash with higher standards for cleaning up Fernald

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March 1, 2004

The Cincinnati Enquirer

"Fernald cleanup changes sought"

Fernald: Standards being re-evaluated

From Page A1

that a citizens group and state and federal environmental agencies fought to set more than a decade ago. "This is all about money. They are looking at every way possible they can get out of doing what they promised, and what we expect done," said Lisa Crawford, who heads Fernald Residents for Environmental Safety and Health. "I'm the first person to want to save taxpayer money, but we are not going to accept a shoddier cleanup."

Crawford and others say the Fernald project has legally binding agreements in place that set limits on how much radioactive waste will stay at the site and how much uranium will be allowed in groundwater and soil. They now question whether the Energy Department is trying to change those agreements.

"At this stage of the game, (changing the clean-up agreements) is something not likely to happen," said Gary Stegner, spokesman for the Department of Energy. "The reality of the situation is, with us shooting for a 2006 completion, it would be extremely difficult" to change the standards.

Still, a written proposal that will be sent by local Department of Energy managers to Washington, D.C., proposes a handful of ideas that could do just that.

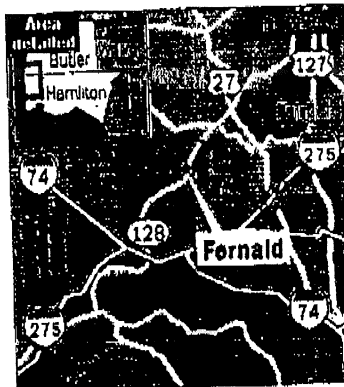
The proposal, which Fernald officials will discuss with commissioners, proposes:

- Using an overall average of radioactivity levels to decide what waste can go into the on-site disposal facility, instead of the current rule that caps the level of radioactivity for individual pieces of waste. This would mean more items with higher radioactivity levels would stay at Fernald than originally planned.

- Replacing the on-site treatment plant that cleans uranium-tainted groundwater with a smaller, portable facility within a year. This would extend the groundwater cleanup by three years.

- Leaving behind pipes that carry tainted water to the Great Miami River, rather than removing them.

Citizens can tell the Energy Department what they think of the proposals until March 15. Then the report will be sent to Washington, where senior officials will decide whether to pursue any of the pro-



posals.

Tom Schneider, site coordinator at Fernald for the Ohio Environmental Protection Agency, said he is concerned that the Energy Department is trying to push through a cheaper cleanup.

"All we can do is react to what they're putting in writing. So no, I don't have a high level of confidence that DOE won't pursue this," Schneider said. "If they know that nobody finds a lesser cleanup unacceptable, I'm not sure why they put it in writing."

Hamilton County Commissioner

Todd Fortune said today's meeting, which is open to the public, is important for a number of reasons.

"We need to keep the pressure on them to make sure these suggestions don't become the standard," Fortune said. "It's important for us to formalize our objections to their report and give citizens the opportunity to voice their concerns."

The Fernald site has been besieged with problems during the past year, including two critical nuclear safety reports, several near-miss accidents that could have resulted in worker deaths, and the shutting down of two major projects because of repeated safety problems.

The cleanup contractor, Fluor Fernald, is shooting for a June 2006 completion. The California-based company will earn hundreds of millions of dollars in incentives if they meet that deadline. Additional incentives include \$8 million for every month the project is completed before June 2006. The company is penalized an equal monthly amount if they miss their deadline.

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March 2, 2004
The Cincinnati Enquirer
"Fernald standards upheld"

Fernald standards upheld

By Dan Klepal
The Cincinnati Enquirer

County told feds backing off changes in cleanup plan

CROSBY TWP. — U.S. Department of Energy officials in charge of the \$4.4 billion cleanup at the cold-war era Fernald uranium processing plant said Monday they will abandon pursuit of the most controversial proposed changes to cleanup standards at the nuclear site.

The department, which spends more than \$7 billion annually on nuclear cleanup sites across the nation, has started a program called "Risk-based End-states" that aims to make sure the cleanups are done as quickly and cheaply as possible. The idea is to try to change cleanup standards for things such as groundwater and soil to the bare minimum that would protect public health.

Fernald cleanup standards were arrived at nearly a decade ago, after years of debate and negotiations

among citizens near the plant, the state and federal environmental protection agencies and the Department of Energy. The Risk-based End-state report for Fernald will be sent to Washington at the end of the month after the public comment period is over.

Jack Craig, deputy director of the Department of Energy's Ohio Field Office, said there just isn't time to change legally binding agreements that impose cleanup standards. The Fernald cleanup is about 70 percent complete, and a June 2006 deadline is fast approaching.

Craig and other officials involved in the cleanup at Fernald appeared Monday before the Hamilton County Commission to answer questions. The commissioners are expected to sign a resolution Wednesday saying they oppose

any changes to cleanup standards.

"Where we are at today, any changes to the cleanup standards — those are off the table and we are no longer pursuing those," Craig said.

But Tom Winston, chief of the Ohio Environmental Protection Agency's Southwest District Office, said Department of Energy officials in Washington could still try to implement the money-saving program at all sites across the country by an act of Congress.

"What assurances can you give us that there will be no effort to get these changes through the back door on the people of Hamilton County?" Commissioner Todd Portune asked.

"I'm not sure I can give you that assurance," Craig said.

Lisa Crawford, leader of a citizens' group that negotiated many of the cleanup standards and still

keeps tabs on the project, said she's still concerned that the Department of Energy's proposal will leave Fernald a dirtier site.

Among the proposals still in the Department of Energy's document: using an overall average of the radioactivity levels to decide what waste can go into an on-site disposal facility, instead of the current rule that caps those levels; and replacing the water treatment plant cleaning uranium from groundwater with a smaller unit that would delay that part of the cleanup by three years.

"A couple of big things were taken out of the report, but there's still a lot of stuff in there that could come back and smack us in the face," Crawford said. "We don't want to renegotiate anything."

E-mail dklepal@enquirer.com

April 26, 2004

Weapons Complex Monitor

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"DOE citizen panels concerned about transfer of cleanup work to NNSA"

DOE CITIZEN PANELS CONCERNED ABOUT TRANSFER OF CLEANUP WORK TO NNSA

The planned transfer of some cleanup responsibilities to the National Nuclear Security Administration in FY 2006 was among the top concerns raised by the chairs of the Environmental Management Site-Specific Advisory Boards at a meeting last week at Dept. of Energy Headquarters in Washington, D.C. "We don't know where we are or where we're going," said Katherine Guidry, chair of the Northern New Mexico advisory board, which advises DOE on cleanup issues at Los Alamos National Laboratory. As previously reported, the lab will be one of the sites that is most affected by the decision to transfer cleanup responsibilities from the Office of Environmental Management to NNSA. Assistant Secretary for Environmental Management Jessie Roberson told the group that the Department is "still discussing what activities will transfer and what activities will not," but environmental management work that is "comingled" with NNSA activities will be targeted. "I don't see this as confusing the issues," Roberson emphasized. "The lines are already confused. We're trying to provide some clarity."

Specifically, the advisory boards are concerned that because they are only chartered to advise the Office of Environmental Management, they will not be able to fulfill the same oversight role when EM activities are transferred to NNSA or the new Office of Legacy Management. "It reflects poorly on the credibility of the citizens' advisory board when we can only advise EM and not other environmental issues at the site," said Monte Wilson, chair of the advisory board for the Idaho site. Added Rocky Flats advisory board Chair Victor Holm, "We're concerned as to what our future will be and the future of public participation at these sites."

Risk-Based 'Visions' Still a Concern

The advisory board chairs continued to raise concerns about the "risk-based end state vision" documents that each site is currently preparing. For some sites—such as Fernald and Paducah—the documents propose significant changes from current cleanup agreements. While DOE continues to point out that the "visions" are not decision-making documents, some of the advisory board chairs remain concerned. "So much time and effort is being put into the risk-based documents, we are concerned they will become a decision document at headquarters," asserted Paducah advisory board chair Bill Tanner. Roberson acknowledged that the process has been unpopular at some sites, but vowed to "press on" with the initiative. "This is a strategic document—we have to have a context for understanding what we are doing," Roberson said. "It is not a document upon which we will base decisions, but like a NEPA document, it will inform decisions."

The Department also faced criticism from the advisory board chairs on its plans to withhold \$350 million in FY 2005 cleanup funds unless issues surrounding the reclassification of high-level tank waste at Hanford, Savannah River and Idaho are resolved. DOE is currently pushing Congress to pass legislation authorizing the waste reclassification as it appeals a 2003 U.S. District Court ruling that such a reclassification would violate the Nuclear Waste Policy Act. "DOE should use the [\$350 million] for the treatment of low-level waste that isn't necessarily affected by the lawsuit," said Savannah River advisory board chair Jean Sulc. But Roberson emphasized that if the issues aren't resolved, "we would likely lose the money" in FY05. "If we can't do the work, we don't really have much use for the money," Roberson declared, although she acknowledged that "Congress may view things differently."■

ENVIRONMENTAL CLEANUP

Roberson vows to continue reviews of cleanup plans for DOE facilities

Despite protests that have forced two delays in the process, the Energy Department intends to stick with its reassessment of cleanup plans at contaminated nuclear weapons facilities. Assistant Secretary for Environmental Management Jessie Roberson, the leading advocate of the initiative, said last week she expects DOE managers at the facilities to complete the process even though she recently postponed the deadlines until later this year, close to the end of the Bush administration's term.

"I am going to press on with this initiative because we need it in this complex," Roberson said of the Risk-Based End State program, which she initiated last year to make sure DOE's planned outcomes for cleanups at weapons production and research facilities are the best options available to the department.

At the same time, Roberson, who participated in a Washington meeting of representatives from citizen advisory boards at nine DOE sites, said she will also insist that department site managers prepare new strategies for public involvement in the RBES program before they complete final reviews. She sought such plans recently when she postponed the deadline for the reviews to either September or December, depending on the site (*IE*, 12 April, 6). It was the second time she had put off the reviews because of complaints by federal and state regulators, citizen boards and others at some sites that the program threatened to disrupt established cleanup plans.

Some critics of the RBES program have claimed the latest deadline for the initiative suggests a diminished commitment by Roberson, whose departure from DOE has been the subject of persistent rumors would have it plans to leave DOE soon. She has rebuffed such speculation.

Roberson also reiterated early statements by her office that DOE would not use the reports resulting from the RBES process as the official reason for proposing changes in cleanup plans, which in most cases have been approved by federal and state regulators after extensive public review. "These are not documents upon which we would propose decision making," she said, though she added that they would "inform decision making."

In a separate presentation to the advisory board members, John Lehr, an official with the Environmental Management division's integration and disposition office, said DOE plans to use the RBES reviews to first "identify" possible changes in cleanup plans at sites and then to pursue such changes through negotiations with state and federal regulators and any other measures that may be necessary, such as legislation.

Lehr said 16 of the 28 "vision" documents prepared by DOE sites for headquarters officials, based on initial RBES reviews, had identified possible "variances" from existing cleanup plans.

Diverse views of the RBES program among DOE sites around the country were evident at the meeting Wednesday. Among the sharpest critics of the program is the Fernald Citizens Advisory Board, which has asked Roberson to relieve the

Fernald Environmental Management Project in Ohio of its obligation to participate in the reviews.

"The Fernald Citizens Advisory Board is concerned that implementation of the RBES policy has been a significant distraction to the Fernald site and has sapped critical focus from environmental cleanup activities," the panel said in a statement distributed at the meeting. "Throughout the [DOE] complex, substantial time and financial resources were channeled into developing RBES documents, with little understanding of the potential benefits of the policy to the site or to the communities in which they reside."

"The aggressive timeline and shifting deadlines hampered public participation and caused confusion, inconvenience, frustration and unnecessary expense at the sites and among the stakeholders," the citizens advisory board for the Idaho National Engineering and Environmental Laboratory said in a statement. "The CAB questions if DOE-headquarters is factoring public values and concerns into the Risk-Based End State process."

Among the seven other citizen boards participating in the meeting, the panels for the Paducah Gaseous Diffusion Plant in Kentucky and the Los Alamos National Laboratory in New Mexico each stated objections to the RBES program.

Countering those disapprovals were statements from other citizen boards endorsing the RBES program. The Rocky Flats Citizens Advisory Board said RBES-type principles were applied at DOE's Rocky Flats Environmental Technology Site in 1996, when the department and regulators agreed to a cleanup program, and last year, when they revised those plans. The process led to a "trade-off" in which DOE and regulators agreed to changes in soil remediation that the panel said appear more beneficial to the local community than the department's original cleanup plans for the site.

Todd Martin, chairman of the Hanford Citizens Advisory Committee, praised Roberson for expanding public involvement in the RBES program and said his panel was prepared to participate in the effort. "It will not be easy, it will not be fast, but we are prepared to give you something you can work with," Martin said. — *Bill Loveless*

Waste funding strategy contains risk, Roberson admits; but DOE holds line

Congress may reject the Energy Department's request for \$350 million for a high-level waste program in FY-05 and spend the money on other activities if DOE cannot resolve a legal dispute over its plans for the program, Assistant Secretary for Environmental Management Jessie Roberson said last week. Members of citizen advisory boards at DOE facilities, who met with Roberson and other department officials last week, expressed concern over that prospect.

Roberson acknowledged the risk of DOE's request, which asks Congress for the \$350 million for treatment and disposal of HLW from nuclear weapons manufacture but specifies that the money would not be spent unless the department finds a solution to a decision by the U.S. District Court in Idaho last year that declared its HLW plans illegal.

She insisted, however, that DOE would not consider other

Public comments from the November 18 public meeting on Fernald Risk-Based End State Vision.

- Fernald is too far along in the cleanup process to go through ROD changes
- Didn't we already go through this exercise with the five Records of Decision?
- The RODs already reflect decisions based on risk
- We currently have legal binding agreements. I am angry as a community person that you are asking us to undo what has already been done
- We have negotiated and compromised as far as we are going to go
- Looks like you want permission for us to change our minds and the answer is "No"
- If DOE wants to revisit the end state, then let's look at the big picture and take out the On-Site Disposal Facility and remove soil from surrounding properties, etc.
- The Records of Decision represent social contracts with the community after we looked at every aspect of the cleanup. By the end of the decision --making all parties got to a place where they celebrated. However, lately, the social contract has been broken.
- We understand that the Risk-Based End State Vision is an exercise that hopefully won't go anywhere
- You are asking for more compromise without offering anything in return
- It doesn't look as though the savings as a result of this exercise would be significant
- If you mess with the RODs you will open Pandora's Box and divert valuable time and energy

The Fernald Citizens Advisory Board intends to write a letter opposing implementation of Risk-Based End State opportunities as stated in the document. This letter will be finalized at the December 2 meeting.

Fernald Residents for Environmental Safety and Health (FRESH) also intend to submit a letter with a similar sentiment.

Congress of the United States
Washington, DC 20515

October 9, 2003

Mr. Bob Warther
Ohio Field Manager
Department of Energy
175 Tri-County Parkway
Springdale, OH 45246

Dear Mr. Warther:

We are writing in regards to published reports indicating that the Department of Energy (DOE) is considering stopping the treatment of uranium contaminated groundwater at Fernald.

As you may know, the *Cincinnati Enquirer* reported the proposed change in its October 4 edition. We were unaware the DOE was contemplating making such a fundamental change to the agreement it signed a decade ago requiring that the aquifer water be treated to drinking water standards.

We strongly believe that in a project as costly, environmentally sensitive, and expansive as the Fernald clean-up – that affects the safety of workers, the health of surrounding communities, and the stewardship of taxpayer dollars – public participation is essential in determining the most prudent approach to closure. We are concerned that DOE bypassed the Fernald Citizen's Advisory Board, the Ohio EPA, and the community's congressional representatives when this proposal was being developed. As Graham Mitchell, chief of OEPA's Office of Federal Facilities Oversight, stated in the *Enquirer*, "It's (DOE's plan) just not consistent with the overall clean-up strategy developed at Fernald over the past 10 years."

We would like to clearly state that we have serious concerns regarding any attempt to alter this agreement. It is our understanding that the current water treatment process is effective, although it would require considerable time and resources to complete, and supported by local stakeholders.

While we appreciate DOE's sensitivities with respect to the cost of the treatment, several important questions need to be answered. Are the proposed changes based on sound scientific studies? What are the other alternatives the DOE is studying to ensure the discharged water is clean? If the DOE were to release contaminated groundwater into the Great Miami, how would that impact the surrounding communities and the

environment?

Please provide us with a response to this report and explain why timely public participation in this very important matter apparently was not sought. As you know, Fernald is on schedule to close in 2006. In recent years, the project's stakeholders cultivated a productive working relationship that was beneficial to everyone. It is unfortunate that the Fernald community learned of this major proposed change to the existing contract from local media. We encourage the DOE to continue to work in good faith with the Fernald stakeholders to complete this important clean-up.

We look forward to your response.

Sincerely,



Steve Chabot
Member of Congress



Rob Portman
Member of Congress



Mike DeWine
United States Senator



George V. Voinovich
United States Senator

cc: Rick Dearborn, Assistant Secretary, DOE Congressional and Intergovernmental Affairs